

UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF MICHIGAN

FILED - MQ

June 24, 2022 10:27 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: mlc SCANNED BY:

MC 06/24/22

2:22-cv-135

Maarten Vermaat
U.S. Magistrate Judge

U.S. DIST CIV LIT # 20-cv-01107

MICH. SUPREME # 164293

COURT OF APPEALS # 356596

C.R. NO: 20-cv-06164H

Terrance Tennell Moore # 208380
Plaintiff,

v

Bryan Morrison (Warden)

Defendant.

PETITIONER - PLAINTIFF MOVES THIS FEDERAL DISTRICT COURT PURSUANT TO 2251(2), 28 U.S.C. & AS TO 2241(C) (3) 28 U.S.C. & 8 Power To GRANT WARDEN OTHER APPLICABLE AUTHORITY ... 2244, 2252, 2253 (2000) See Rule 1 OF THE RULES GOV. SEC 2254 CASES (2005).

NOTARY

APPENDICES:

COMMISSION EXPIRES

(A). (B).

STATE OF MICHIGAN COUNTY OF

(C).

DATE: JUNE 16TH 2022

CC: file

Prepared by: Terrance Moore

IS / Terrance Ternell Moore
208380

A¹

UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT COURT
OF MICHIGAN

Terrance Terrell Moore # 208380

Plaintiff.

U.S. DIST COURT

20-cv-01107

✓

MICH. SUPREME # 164293

Court of Appeals # 356596

Cir. No: # 20-cv-0616 ATT

BRYAN Morrison (Warden)

Defendant.

Plaintiff Petitioner Moves Pursuant To 28 U.S.C.
§ 2251 (a) (2), And 28 U.S.C § 2241 (c) (3),
OTHER APPLICABLE AUTHORITY SUPPLEMENTAL 2244
, 2252, 2253 (2000). . . See Rule 1 of THE RULES
GOV. SEC 2254 CASES (2005). . . 28 U.S.C 1331.,

Now Comes Terrance Terrell Moore, Pursuant
To 2241 (c) (3) AND (HCR) 1, THEY MUST BE
CONSTRUED AND ADMINISTERED TO SECURE THE JUST,
SPEEDY, AND INEXPENSIVE DETERMINATION OF EVERY
ACTION AND PROCEEDING. - - Scope of Rules;

FOLLOWING:

- 1) CASE NO : 1-20-cv-01107-PLM-RSK
ECF NO. 8, PAGE ID. 4 Filed 11/30/20
PAGE 1 of 10

2). Case Number 2:20-cv-12923-VAR-CI
ECF NO. 4 PAGE ID. 120 Filed 11/17/2020
Page 1 of 4

3).⁽⁴⁾ Ineffective Connective Process "STATE"
REQUIRING EXHAUSTION WOULD CAUSE irreparable
DAMAGE TO THE PetITIONER'S FEDERAL RIGHTS
BECAUSE THE PetITIONER WILL BE EXECUTED
BEFORE EXHAUSTION PROCEDURE CAN BE COM-
PLETED. (EXISTING COMORBIDITIES)

4).⁽⁵⁾ REQUIRING EXHAUSTION WOULD CAUSE irre-
parable INJURY TO THE PetITIONER'S RIGHTS
FOR SOME OTHER REASON, INCLUDING THAT UNDUE
DELAY IN THE STATE COURT'S RISK MEETING THE
PetITIONER'S FEDERAL RIGHTS BEFORE HE REACHES
THE FEDERAL COURT (EXISTING COMORBIDITIES)

5). GIVEN THE SIGNIFICANT LIBERTY INTEREST AT
STAKE, THE TIME-SENSITIVITY OF PETITIONER'S
CLAIMS, AND THE RISKS TO PETITIONER HEALTH
POSED BY LONG HAUL EFFECTS AFTER EXPOSURE
- WHERE NO DETERMINATION AS TO THE MERITS
OF HATHEWS PETITIONS AND RELATED COMPLAINTS
OR ANY PENDING MOTIONS.

6). UNDER THE GENERAL PRINCIPLES SET OUT IN THE PRECEDING THREE SUBSECTIONS, A PERSON IS IN CUSTODY - AND PLAINTIFF NOW FEDERAL HABEAS CORPUS PETITION IS AND REMAIN JUSTICIALE (I.E. NOT Moot) THROUGHOUT THE ENTIRE PERIOD REQUIRED TO ADJUDICATE THE PETITION AT TRIAL, ON APPEAL, AND IN CERTIORARI - AS LONG AS, AT THE TIME THE FEDERAL PETITION WAS FILED.. (CUSTODIAL STATUS).

7). EIGHTH AMENDMENT MAKES CLEAR THAT REVERSAL OF "A DEATH SENTENCE AS AN ATTRIBUTE OR QUALITY PREDICATED ON A PRIOR - AS ART DELAY - NOW A CAPITAL CASE - PLAINTIFF CLAIMS A DOUBLE JEOPARDY PRINCIPLE TO REMAIN IN A THREAT OF HARM WITHOUT APPRISED HIS JURORS OF PEERS - 14TH

A COURT SHOULD ASSUME THEIR VENACITY AND THEN DETERMINE WHETHER PLAINTIFF PRESENTED HIS ENTITLEMENT TO RELIEF IN A PLausibly CONTEXT THAT GIVE RISE TO ENTITLEMENT TO RELIEF. EXCLUDING RULE 8 (2) (2).

Wherefore, Terrance Terrell Moore, PRAYS
THAT THIS HONORABLE FEDERAL DISTRICT COURT
GRANT HIS MOTION PURSUANT TO THE APPLICABLE
AUTHORITY CITED, INARTFULLY TO STAND UPON
THE STANDARDS AND PRINCIPLES PRESENTED
AS A GUIDE FOR THE UNBIASED JUDGMENT
AFFORDED BY A COURT OF LAW. OR WHATEVER
THIS HONORABLE FEDERAL COURT DEEM TO BE
NECESSARY.

Respectfully Submitted
#208380
/s/ Terrance Terrell Moore
Terrance Terrell Moore #208380
Chippewa Correctional Facility
4269 West M-80
Kincheloe MI. 49784

DATE: JUNE 16TH 2022

NOTARY: _____

COMMISSION EXPIRES: _____

COUNTY OF _____ STATE OF MICHIGAN

I, Terrance Terrell Moore, SWEAR THAT THE CONTENTS
WRITTEN HEREIN ARE TRUE TO THE BEST OF MY ABILITY
KNOWLEDGE AND BELIEF. 28 USC § 1746.

cc: file

B⁵

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Argument⁽¹⁾

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	PRINCIPLE POINTS	1 [#]

Argument⁽²⁾

(CONSTITUTIONALITY OF STATUTE)	STANDARD OF REVIEW	5 [#]
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	PRINCIPLE POINTS	5 [#]

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c¹

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C² continue ...

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10TH AMENDMENT. - - - - - PASSIM
ARTICLE VI & I. - - - - - 5^{*}

JURISDICTIONAL LAWS

28 USC § 2252, 28 USC § 1331,
28 USC § 2251, 28 USC § 2241, . PASSIM
28 USC § 2244, 28 USC § 2253,
28 USC § 2254, 28 USC § 1746,
28 USC § 2255, 28 USC § 2246,
28 USC § 1332, 28 USC § 2243,
MCL 750.321, MCL 750.319,
MCL 600.4316, MCL 600.4304, MCL 600.4307 2^{*}

COURT RULES

Fed R. CIV. P. 9(a). - - - - - 6^{*}
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61, 39, 56, (H.C.R.1) . . .
Fed R. CIV. P. 8 (2)(2). - - - - - 2^{*}

...CONTINUE

MCR 3.307, MCR 3.304, MCR 7.311, --
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MSC.

8th Edition Law Dictionary

5th Edition Law Dictionary

9th Edition Law Dictionary

. . . end

JURISDICTIONAL STATEMENT

JARAV GAS LIGHTEER ASS'N V RONSON CORP.,
D.C.N.J., 257 F. SUPR. 219 224. . . ALSO
SEE 271 U.S. APP. 3d 292, 326 N.E.2d 545,
548. - - - 28 U.S.C. 1331 & 2251
(a)(2). ART VIII § 28. FEDERAL QUESTIONS
THE DISTRICT COURTS SHALL HAVE ORIGINAL JURISDICTION OF ALL CIVIL ACTIONS ARISING UNDER THE CONSTITUTIONAL, LAWS, OR TREATIES OF THE UNITED STATES.

INVOKING HABEAS CORPUS REVIEW BY A FEDERAL COURT SATISFYING TWO JURISDICTIONAL REQUIREMENTS:

- 1) IN BEHALF OF A PERSON IN CUSTODY PURSUANT TO THE JUDGMENT OF A STATE COURT AND
- 2) THE SUBSTANCE REQUIREMENT THAT THE PETITIONER CHALLENGE THE LEGALITY OF THAT CUSTODY ON THE GROUND THAT IT IS "IN VIOLATION OF THE CONSTITUTION OR LAWS OR TREATIES OF THE U.S."

Statement of Facts
-DISPOSITIVE-

See (ORIGINAL COMPLAINT)

CASENO: 1:20-CV-01107-PLM-RSK
2:20-CV-12923-VAR-CI

(New Developing facts)

CASENO: (STAG) #20-12-0616 AH
(Court of Appeals) # 356596G
(Michigan Supreme # 164293 (S2))

AS LONG AS Petitioner Had THE REQUISITE STATUS WHEN THE PETITION WAS FILED, SUBSEQUENT CHANGES IN THAT STATUS WILL NOT MOOR THE PETITION.. SEE E.G. MALENG V COOK, 490 U.S. 488, 492 (1989). . . . CANAFAS V CAVALLE 391 U.S. 234 (1968).

Statement of Derivative Action

AS AN ACTION IS A (Derivative) WHEN THE ACTION IS BASED UPON A PRIMARY RIGHT OF THE CORPORATION (M.Q.O.C.), BUT IS ASSERTED ON ITS BEHALF BY THE STOCKHOLDER (WANDER) BECAUSE OF THE CORPORATION'S FAILURE, DELIBERATE OR OTHERWISE, TO ACT UPON THE PRIMARY RIGHT. LEHMAN V GODFREY SUBARIS, 207 MISC. 314, 138 N.Y.S. 2d 163, 168. PROCEDURES IN SUCH ACTIONS IN FEDERAL COURTS IS GOVERNED BY FED. R. CIVIL R. 23.1 RESULTING A DERIVATION.

(THROUGH THE WRIT, CONGRESS HAS EMPOWERED "DISTRICT COURTS TO BE THE ORGAN OF THE HIGHER LAW RATHER THAN A COURT OF APPEALS, OR EXCLUSIVELY THIS COURT" AND "HAS TOLD THE DISTRICT JUDGE TO ACT ON THOSE OCCASIONS, HOWEVER RARE, WHEN THERE ARE MERITORIOUS CAUSES IN WHICH HABEAS CORPUS IS THE ULTIMATE AND ONLY RELIEF AND DESIGNED TO BE SUCH"); WALEY V JOHNSON 316 U.S. 101, 105 (1942) (WRIT EXTENDS... TO THOSE EXCEPTIONAL CASES WHERE THE CONVICTION HAS BEEN IN DISREGARD OF THE CONSTITUTIONAL RIGHTS OF THE ACCUSED, WHERE THE WRIT IS THE ONLY MEANS OF PRESERVING HIS RIGHTS).

-----; IN RE TYLER, SUBNA, 149 U.S. AT 180
("THE WRIT OF HABEAS CORPUS IS MEANT TO
PERFORM THE OFFICE OF A WRIT OF ERROR
OR APPEAL; BUT WHEN NO WRIT OF ERROR
OR APPEAL WILL LIE, IF A PETITIONER IS IM-
PRISONED UNDER A JUDGMENT OF A COURT
WHICH HAD NO JURISDICTION OF THE MAT-
TER OR OF THE SUBJECT MATTER OR AUTH-
ORITY TO RENDER THE JUDGMENT COMPLAINED
OF, 'UNLAWFUL RESTRAINT' AGAINST THE EXTENT
AND DURATION OF PLAINTIFF'S TREAT AND
DELIBERATE AND DIFFERENCE OF NOW A NEW
SENTENCE AWAY FROM THE UNFETTERED
JUDGMENT OF A COURT OF LAW." AND
HIS RIGHT FOR "HIS" JURORS OF PEERS
TO BE APPRISED OF THE HABEAS COR-
PUS RELIEF MAY BE ACCORDED." (EMPHASIS
ADDED); EX PARTE BANKS, 93 U.S. 231 (1895).
(WRIT "IS ONE OF THE MODES IN WHICH THIS
COURT EXERCISE SUPERVISORY POWER OVER THE
INFERIOR COURTS AND TRIBUNALS.

To locate a comprehensive analysis of
the writ in both the statutory and case-
law context of federal questions Plaintiff

- - -

C6

... Note Jurisdiction AS A Whole, According To (Justice Speaking) To "Three different Methods have been provided by Statute And Case Law for bringing before THE COURTS OF THE UNITED STATES Proceedings begun in the Courts of the States" When necessary to secure THE SUPREMACY OF THE CONSTITUTION, LAWS AND TREATIES OF THE UNITED STATES." Id. at 238. The first two extended respectively to judgments allegedly contrary to, and to claims arising under, "Constitution, Laws or Treaties of the United States.

Third was HABEAS CORPUS, THE development of (Justice Speaking) traced from the 1833, by which Congress enlarged Federal Removal Jurisdiction AS traced from the 1789 Judiciary Act.. Amended by or section 1 of the same speaking February 5, 1867 act cited in Justice Gray's Writ of error discussion AS UNDER THE 1874 Revised Statutes "Unified Codification of All Prior HABEAS CORPUS Provisions, Federal Judges and Courts had the "Power to grant Writs of HABEAS CORPUS . . . TO ANY Prisoner . . . IN CUSTODY IN VIOLATION OF THE - - -

... Constitution, or of A LAW OR TREATY
OF THE UNITED STATES; and ... Shall forth-
with award A WRIT OF HABEAS CORPUS,
UNLESS IT APPEARS FROM THE PETITION ITSELF
THAT THE PRISONER IS NOT ENTITLED THERETO." Id.
at 239-40 (QUOTING AND PARAPHRASING REV.
STAT. tit. 13, ch. 13, §§ 751-755, 761, 18
STAT. 142-43 (1878) (RECODIFIED AND AMENDED
STAT. 192 U.S.C. §§ 2241(a)-(d) 2243).
AT 28 U.S.C. §§ 2241(a)-(d) 2243).

PLAINTIFF'S SPEAKING NOW IN PRE-EXHAUSTION
PROCEEDINGS OF CAPITAL CASES. AS I SHORT FORM
MOTION IS HAVING A NECESSITY IN CAPITAL
CASES SENSE TO FILE A FEDERAL HABEAS CORPUS
IN PARTICULAR, IF AN EXECUTION DATE IS SET
AND RAPIDLY APPROACHING AND IF THE STATE
COURTS AND ALL OTHER STATE SOURCES OF A DAY
OF EXECUTION HAVE EITHER REFUSED OR FAILED
AFTER A REASONABLE TIME TO STAY OR RESUME
THE EXECUTION PENDING COMPLETION OF A STATE
PROCEEDINGS. I AM DELAY OF GREAT CONCERN
AND DISADVANTAGES TO PLAINTIFF. TO ONLY SPEAKING
PRE-EMPTIVE YET PROCEEDING THAT ORDINARILY
SHOULD PREEDE HABEAS CORPUS. AS STATE 1ST OPTION
GIVEN.

UNITED STATES DISTRICT
Court for the Western District
OF Michigan

Terrance Terrell Moore #208388
Plaintiff.

20-cr-01107

U.S. DIST. COURT:

MICH. SUPREME: # 164293

Court of Appeals: # 356596

BRYAN Morrison (Warden) Cr. No: # 20-cv-0616 ATT
Defendant.

NOTICE

PURSUANT TO 28 U.S.C. § 2252

I, Lawrence Terrell Moore, proceeding in behalf of a person in custody of state officers or by virtue of state laws shall be served on the Attorney General or other appropriate officer of such state [Michigan] as the Justice or Judge.

Please take full notice I.

D¹.

THAT ON JUNE 16TH 2022 THE UNDERSIGNED
WILL MOVE THIS HONORABLE FEDERAL DISTRICT
COURT TO GRANT THE WITHIN 28USCD 1331,
IN THE ABOVE ENTITLED CAUSE.

ORAL ARGUMENT IS REQUESTED.

Respectfully Submitted,
TSL Terrance Terrell Moore
Terrance Terrell Moore #20360
Chippewa Correctional Facility
4269 West M-80
Kincheloe, Michigan #49784

Date: June 16TH 2022

I, Terrance Terrell Moore, swear that the contents
written within are true to the best of my
ability, knowledge and belief. 28USCD 1746

D².

Supplements
- See COMMONALITY -

22-01-42^{AH} - 22-02-05^{AH} - 21-10-568^{AH}
22-16-889^{AH} - 22-16-887^{AH} - 22-16-888^{AH}
21-11-597^{AH} - 21-11-612^{AH} - 21-03-083^{AH}
21-03-076^{AH} - 21-12-618^{AH} - 21-03-128^{AH}
21-10-524^{AH} - 21-10-536^{AH} - 21-10-549^{AH}
21-11-586^{AH} - 21-11-598^{AH} - 21-11-579^{AH}
21-11-580^{AH} - 21-11-605^{AH} - 21-10-551^{AH}
21-11-571^{AH} - 21-10-551^{AH} - 21-10-567^{AH}

22-03-100^{AH} - 22-16-886^{AH} - 22-16-885^{AH} -
22-16-895^{AH} - 21-11-604^{AH} - 22-16-913^{AH}
Inmate no: 271805 -
yet DKT.

9TH AMENDMENT ENUMERATION - - -
5TH AMENDMENT - - - -

F. L.

QUESTIONS PRESENTED

- 1). Would This Prisoner be Considered A (Detainee) If Prisoner Have A Federal (Detainee) ATTACHED AS A Notice Benefit His STATUS AS A Federal Prisoner IN "STATE CUSTODY ?
- 2). Does And ENCROACHMENT TO Prisoner Sentence EITHER TO Gradually Intrude UPON His Rights OR Property Warrant HABEAS Relief ?
- 3). Are AN AFFIDAVIT A PRIMA FACIE SHOWING TO Warrant EXAMINATION UPON Hearing ? Under THE PROBABILITY of U.S. v KIS -
43d.

ARGUMENT 1^{*}

Standard of Review: UNUSUAL CIRCUMSTANCES OR EXTRA ORDINARY CIRCUMSTANCES
LACK OF ORIGINAL JURISDICTION TO HEAR
OR DETERMINE A CASE CONSTITUTES "EXCELSIORAL CIRCUMSTANCES" AS BASIS FOR RAISING
QUESTION FOR THE FIRST TIME ON HABEAS CORPUS. WESLEY V SCHNECKLOTH, 55 WASH. 2d
90, 346 P.2d 658, 660.

PRESERVATION OF ERROR: NOT REASONABLE;
IMMODERATE; EXORBITANT. CASS V STATE,
124 TEX.CR.R. 208, 61 S.W.2d 500; CARBONIC-
IOUS; ARBITRARY; CONFISCATORY. HARRIS V
STATE CORPORATION COMMISSION, 46 N.M. 352,
129 P.2d 323, 328.

PRINCIPLE POINT: DEVIATION OF LAW -
DEPARTURE FROM ESTABLISHED OR USUAL
CONDUCT OR IDEOLOGY FROM AN ESTABLISHED
RULE, STANDARD OR POSITION. S.J. GROVES & SONS
CO. V WEST VIRGINIA TURNPIKE COMMISSION,
D.C.W.Va., 164 F.SUPP.816, 821.

DISCUSSIONS

Plaintiff, Looking To ACTS CONTRARY
TO LAW, AND PRESUPPOSES THAT THERE
MUST BE AN EXISTING LAW. (For Plaintiff
TO IDENTIFY) STAGE v Hailey, 350 MO.
300, 165 SW 2d 422, 427. AS A VIOLATION
OF SOME PROHIBITORY LAW AND INCLUDES
ALL WILLFUL, ACTIONABLE VIOLATIONS OF THE
PLAINTIFF CIVIL RIGHTS, AND IS NOT ONLY
CONFINED TO CRIMINAL ACTS. - PLAINTIFF
BREAKING OF "UNLAWFUL ACTS"
- REGISTER ACTION IN CASE 21-cv-117
WITHIN THE MEANINGS OF MURDER
OR 2ND. DUEL TO HOMICIDE STATUTES MCL.
750.321 AND 750.319 CONSIST OF RECKLESS
CONDUCT SEC. 319 ANY PERSON, BEING AN
INHABITANT OR RESIDENT OF THIS STATE, WHO
SHALL BE THE SECOND OF EITHER PARTY IN
SUCH DUEL AS IS MENTIONED -

Plaintiff, Submitted An AFFIDAVIT TO A JUSTICE
OF PEACE AND COUNTY PROSECUTOR OF THE STATE
OF MICHIGAN Under THE PROPERITY of U.S.
V K.S. — F3d —

WITH NO REGARD OF ACTION. (AS WITNESS
TO FACTS), OR CONDUCT EVINCING MARKED
DISREGARD FOR SAFETY OF OTHERS AND
PLAINTIFF. STATE V NEWTON, 105 UTAH 561,
144 P2d 290, 293; STATE V HARRISON, 108
UTAH 63, 157 P2d 258, 261.

WHILE NECESSARILY NOT IMPLYING THE ELEMENT
OF CRIMINALITY, IT IS BROAD ENOUGH TO INCLUDE
IT. PLAINTIFF, SPEAKING TO HIS CONFINEMENT
WITHIN M.D.O.C. AGAINST LONG HAUL EFFECTS
OF COVID-19 AGAINST HIS EXISTING COMORBIDITIES
OF RESPIRATORY COMPLICATIONS AS DIRE NEEDS
OF ABSURGENCIES.

AFFORDED, THOMPSON V ANDERSON, 107 UTAH 331,
153 P2d 665, 666. (CRUEL AND UNUSUAL PUN-
ISHMENT) AS BASIS FOR RAISING QUESTIONS
DISPOSITIVE AND FACTS BEING JUDICIAL OR
JUSTICE OR THOSE ACTS OR EVENTS THAT
CREATE, MODIFY OR EXTINGUISH JUDICIAL RELATIONS.

SEE I.E., BRADEN V 30TH JUDICIAL CIRCUIT COURT
OF KENTUCKY, 410 U.S. 484 (1973).

IN Braden, THE COURT MADE CLEAR THAT SECTION 2241 (a) REQUIRES NOTHING MORE THAN THAT THE COURT ISSUING THE WRIT HAVE JURISDICTION OVER THE CUSTODIAN. SO LONG AS THE CUSTODIAN CAN BE REACHED BY SERVICE OF PROCESS, THE COURT CAN ISSUE A WRIT "WITHIN ITS JURISDICTION" REQUIRING THAT THE PRISONER BE BROUGHT BEFORE THE COURT FOR A HEARING ON HIS CLAIM, OR PERMITTING THAT HE BE RELEASED OUTRIGHT FROM CUSTODY, EVEN IF THE PRISONER HIMSELF IS CONFINED OUTSIDE THE COURT'S TERRITORIAL JURISDICTION. ID. AT 497-98... AS ID AT 495. ACCORD RUMSFELD V. PADILLA, 124 S.Ct 2711, 2723 (2004).

THE SIXTH CIRUIT COURT OF APPEALS DESCRIBED COVID-19 PROBLEMS AS FOLLOWS:

THE COVID-19 VIRUS IS HIGHLY INFECTIONOUS. COVID MORTALITY RATE INCREASE WITH AGE AND UNDERLYING HEALTH CONDITIONS SUCH AS CARDIOVASCULAR DISEASE, RESPIRATORY DISEASE, DIABETES, AND IMMUNE COMPROMISE. {SEVERE COMPLICATIONS OR DEATH.}

ARGUMENT 2nd

Standard of Review: JUDICIAL POWER IN COURT OF JUSTICE; DIVISIONS Sec. 1. THE JUDICIAL POWER OF THE STATE IS VESTED EXCLUSIVELY IN ONE COURT OF JUSTICE WHICH SHALL BE DIVIDED INTO ONE SUPREME COURT, ONE COURT OF APPEALS, ONE COURT OF GENERAL JURISDICTION KNOWN AS THE CIRCUIT COURT, AND COURTS OF LIMITED JURISDICTION. Article VI, § 1

Reservation of Errors: THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE. Amendment X

Principle Point:

CONSTITUTIONALITY OF STATE
AND
PREJUDICIAL DELAY (EXISTENCE)

& THE NATURE AND SAW'S OF "DEFENSES, AND EVEN ITS VERY EXISTENCE AGAINST PLAINTIFF
NOW SAW'S OF LIMITATIONS RENDERED RULE 9(a)
ESSENTIALLY MUST:

DISCUSSION

Added, AS PART OF THE ANTI-TERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996, 28 U.S.C. § 2244 (d) (1) (B).

IN SHORT, IF THREE CRITERIA WERE MET: FIRST, THE GOVERNMENT HAD TO PLEAD (IN ITS ANSWER OR IN SOME OTHER RESPONDING PAPERS) AND PROVE THROUGH DOCUMENTATION OR OTHER EVIDENCE THAT THE PETITIONER DELAYED INITIATING STATE EXHAUSTION PROCEEDINGS (OR, IN THE SECTION 2255 CONTEXT, DELAYED FILING THE MOTION). SECOND, THE GOVERNMENT HAD TO PLEAD AND PROVE, AND THE DISTRICT COURT HAD TO FIND EXPLICITLY, THAT THE PETITIONER'S (OR SECTION 2255 MOTANT'S) DELAY PREJUDICED THE GOVERNMENT IN SOME PARTICULARIZED WAY THAT PREVENTED THE GOVERNMENT FROM DEFENDING AGAINST THE CLAIMS RAISED IN THE PETITION (OR SECTION MOTIONED). SEE, E.G., CHARLOTTE V. TOLDICE, 515 U.S. 39, 46 (1995). (THE STATE BEARS A HEAVY BURDEN UNDER RULE 9(a) TO '(1) MAKE A PARTICULARIZED SHOWING OF PREJUDICE, (2) SHOW THAT THE PREJUDICE WAS CAUSED BY THE PETITIONER HAVING FILED A LATE PETITION, AND (3) SHOW THAT THE PETITIONER HAS NOT ACTED WITH REASONABLE DILIGENCE AS A MATTER OF LAW.)

AS TO NO DELAY BY PETITIONER /
PLAINTIFF IN THIS CAUSE OF ACTION.

AS TO DELAY OF (PETITIONER / PLAINTIFF) IN
ACCESS OF APPROACHING "THE GREAT WALL"
EFFECTIVE AND EXREDITIOUS PROCESS . . .
(UNDER EXCEPTIONAL) (EXTRAORDINARY CIRCUM-
STANCES) UNDER NUMEROUS PROBABILITY AUTH-
ORITIES. (MCR 3.303(7), (MCL 600.4304),
(MCR 3.304), (MCL 600.4307), (MCR 7.209),
(MCL 600.4316), (MCR 7.204), (MCR 7.210),
(MCR 7.311), (MCL 7.310), (MCR 2.002),
(MCR 2.614)) etc. AS TO "STATE STATUTORY" AND
Rule . . . THE CASE FALLS WITHIN A CATEGORY
OF CASES THE SUPREME COURT HAS DENOMINATED
"FUNDAMENTAL MISCHIEF OF JUSTICE." HAVING
BASIC DOCTRINE GOVERNING "PROCEDURAL OBSTACLES
THAT . . . MUST BE OVERCOME BEFORE A FEDERAL
COURT MAY ADDRESS THE MERITS OF . . . CONSTIT-
UTIONAL CLAIMS (HIS ACTUAL INNOCENCE) TO A
NEW EVIL (REITERATED) A SENTENCE CHANGE OF
LIFE TO EVASIVE ANSWER OF PLAINTIFF DEATH
PENALTY TO SUFFER AN EXACERBATING CONDITION
AGAINST SOCIETY EVOLVING STANDARD OF DECENCY.
. (Schlup v Dels, 513 U.S. 298 (1995)) . . .

THE 8TH AMENDMENT PROTECTIONS
AS SO THE 14TH AMENDMENT TO DUE PROCESS
ARE IGNORED TO THESE FACTS ASSERTED;

1). AS TO, NOR CRUEL AND UNUSUAL
PUNISHMENT. . . AND

2). NOR SHALL ANY STATE DEPRIVE ANY
PERSON OF LIFE, LIBERTY, OR PROPERTY,
WITHOUT "DUE PROCESS" OF LAW;
NOR DENY TO ANY PERSON WITHIN ITS
JURISDICTION THE EQUAL PROTECTION OF
THE LAWS.

AS TO "FEDERAL JURISDICTION" AND RULES. . .

(Fed. R. Civ. P. 8*), (Fed. R. Civ. P. 37), (Fed.
R. Civ. P. 38), (Fed. R. Civ. P. 39), (Fed. R. Civ. P.
43), (Fed. R. Civ. P. 52), (Fed. R. Civ. P. 56(e)),
(Fed. R. Civ. P. 60), (Fed. R. Civ. P. 61(d)), (Fed.
R. Civ. P. 26), (28 U.S.C. § 1343), (28 U.S.C. §
1332), (28 U.S.C. § 2243), (28 U.S.C. § 2246),
(28 U.S.C. § 2241), (28 U.S.C. § 2251) . . . ETC

TO VIOLATIVE PROSECUTION OF FEDERAL LAW . . .
BY STATE ACTORS.

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Plaintiff was ordered to give the State of Michigan its one available option to entertain this cause of action (habeas corpus) petition as to other applicable authorities to effectuate its process of a release on its cause of a denial such as a preamble to its operation or effect.

2. IMPORTANCE OF HEARINGS

Hearings are held in a very small proportion of all habeas corpus cases. Keeney v Tamayo-Reyes, 504 U.S. 1, 24 (1992). But they are held in a fairly large proportion of cases in which something more than summary review and dismissal takes place. Hitchcock v Dugger, 481 U.S. 393, 395 (1987).

Considering factors or standards that warrant argument:

1. Newly Discovered Evidence
2. Actual Innocence
3. Death Penalty
4. Miscarriage of Justice Inquiry
5. Standard of Proof - 419 F.2d 187 -

AS Plaintiff, Forward To EXAMINE,
THE ELEMENTARY PRINCIPLES THAT Could Be
Fairly Established BY THE GOVERNMENT'S
OBLIGATIONS TO Provide (A SAFE ENVIRONMENT)
(MEDICAL CARE) FOR THOSE WITHIN IT IS PUNISH-
MENT BY INCARCERATION. AS Plaintiff MUST SOLELY
ON RATION AUTHORIES TO TREAT HIS MEDICAL NEEDS;
AS AN ENVIRONMENT THAT DOESN'T THREATEN HIS
HEALTH OF UNNECESSARY AND MAXIM INFILTRATION
OF RAIN TO ACTUALLY PRODUCE PHYSICAL "TORTURE
OR A LINGERING DEATH". IN RE KEMMLER, SUPRA
THE EVILS OF MOST IMMEDIATE CONCERN TO THE
DRAFTERS OF THE AMENDMENTS. AS Prescribed
BY U.S. CONST. AMEND VIII.

IS THE IMPOSITION TO REMAIN IN A LAWFUL
CONVICTION THAT BECAME UNLAWFUL IN FURTHER
DETENTION AGAINST A DEADLY DISEASE AFTER THE
INTENTIONAL EXPOSURE THAT SUBJECT Plaintiff
TO A DEATH SENTENCE (LIFETIME) BY LONG HAUL
AFFECTS THAT WASN'T IMPOSED OR ATTACHED TO
(HIS SENTENCE) OR HIS JURORS WASN'T APPRISED
IN THIS CHARGE IN VIOLATION OF 8TH AND 14TH AMEND.

Wherefore, Tennence Terrell Moore, Plaintiff
That This Honorable Federal District Court
for the "Western District" Grant His Mot-
ion Pursuant To All The Applicable Authority
Given In The Robesonity of Haines v. Kenner
404 U.S. 519 (1972) As Thought In An Full Plead-
ed In Context For The Unwritten Judgment
of A Court of Law Affording Governing
Federal Protections And Principles That
Set By Previously Decided Decisions On What-
ever This Honorable Court Deem To Be Nec-
essary.

Respectfully Submitted,

Date: June 16th /51 Tennence Terrell Moore
2022 #INMATE NUMBER: 208380

I Tennence Terrell Moore Swear THAT THE STATEMENTS
Made Are True To The Best Of MY ABILITY
Knowledge And Belief. 28 USC § 1746 AND

UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF MICHIGAN

Tennence Tennell Moore #208380
Plaintiff,

U.S. DIST. COURT # 20-cv-01107

v

MICH. SUPREME # 164293

COURT OF APPEALS # 356596

BRYAN MUNNISON (Warden) CIR. NO: # 20-cv-0616 ATT
Defendant.

Procedure for Removal
Pursuant To 28 U.S.C. § 1446

I, Tennence Tennell Moore, moves this Federal District Court under the authority Pursuant To Federal Rule of Civil Procedures Under These Circumstances following:

- (1). IT IS NOT BEING PRESENTED FOR ANY IMPROPER PURPOSE, SUCH AS TO HARASS, CAUSE UNNECESSARY DELAY, OR NEEDLESSLY INCREASE THE COST OF THE LITIGATION;

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(2). THE CLAIMS, DEFENSES, AND OTHER LEGAL CONTENTIONS ARE WARRANTED BY EXISTING LAW OR BY A NONTRIVIALLY ARGUMENT FOR EXTENDING, MODIFYING, OR REVERSING EXISTING LAW OR FOR ESTABLISHING NEW LAW.

(3). THE FACTUAL CONTENTIONS HAVE EVIDENTIARILY SUPPORT OR, IF SPECIFICALLY SO IDENTIFIED, WILL LIKELY HAVE EVIDENTIARILY SUPPORT AFTER A REASONABLE OPPORTUNITY FOR FURTHER INVESTIGATION OR DISCOVERY; AND

(4). THE DENIAL OF FACTUAL CONTENTIONS ARE WARRANTED ON THE EVIDENCE OR, IF SPECIFICALLY SO IDENTIFIED, ARE REASONABLY BASED ON BELIEF OR A LACK OF INFORMATION.

STATEMENT of GROUNDS FOR REMOVAL

ENTITLED TO RELIEF; AND (3) A DEMAND FOR THE RELIEF SOUGHT, WHICH MAY INCLUDE RELIEF IN THE ALTERNATIVE OR DIFFERENT TYPES OF RELIEF.

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Removal of cause: 28 U.S.C. § 1441

JONES V HARLAN Tex Civ. AFB 109
S.W. 2d 251, 252 - - - Recall
(Habeas Corpus) (Removal Bnd)

PLAINTIFF, PRESENTED THE PROPOSITION FOR
READING OUTSIDE LABELS AND CONCLUSIONS OR
A FORMULATE RECITAL OF THE ELEMENTS AS GIVEN
A REVISED JUDICIAL INTERPRETATION FROM THE HIGHEST
COURT IN THE LAND (U.S. SUPREME COURT) TO DISCI-
MINATE DECISIONS TO TREATMENT -- WHERE JURIST
OF REASONS (DEBATABLE) COULD CONCLUDE OVER
CREDIT OF BALD ASSERTIONS OR LEGAL CONCLUSIONS
GIVEN BY PLAINTIFF IN HIS CAUSE OF ACTION.

BY: 1). HIS EXISTING COMORBIDITIES AND ALL ITS
SUBJECTIONS TO HARM / THE UNNECESSARY
WANTON INFILCTION OF PAIN. (CONSTITUTE)
2). PRISONER ANGUBALY STATED THAT PRISONER
WAS COMMITTED TO M.D.O.C. FOR PUNISHMENT
NOT PAIN. OR SUFFERING FOR LINGERING
DEATH.

Respectfully Submitted

TSI
Terrence Terrell Moore
Terrence Terrell Moore #208380

Date: June 16th, 2022

I, Terrence Terrell Moore, swear to the statement
THAT ALL MADE ARE TRUE AND CORRECT TO THE BEST
OF MY ABILITY, KNOWLEDGE AND BELIEF. 28 U.S.C. § 1746

cc: file T.T.M.

Clerk of the Court
Atty. of Record

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rate of 21 deaths per 10,000 prisoners, according to data from The Marshall Project. New Jersey's prison population is about half the size of MDOC.

Statewide, Michigan ranks sixth in the nation in the number of overall COVID-19 deaths per capita, with four deaths per 10,000 residents, according to The New York Times.

Calls to release prisoners

Stern said prison systems should do "everything they can to downsize the population" in light of COVID-19 outbreaks.

The Department of Corrections says the parole board is working overtime to accelerate paroles for eligible prisoners who have reached their earliest release date.

Prisoner advocates say that's not enough. They continue to call on Gov. Gretchen Whitmer to use her clemency powers to free elderly and medically vulnerable prisoners who are not likely to re-offend.

"We don't have the death sentence in Michigan," said Monica Jahner, who is formerly incarcerated and works with people returning home from prison through the Ingham County program Advocacy, Reentry, Resources, and Outreach.

Gautz pointed out that of the prisoners who have died, about half were serving life sentences for murder or other serious crimes.

"These are the kind of people that would not have been released under any sort of executive order that could possibly be envisioned," Gautz said.

Hoe of Safe and Just Michigan points to new research out of the University of Michigan that suggests prisoners over the age of 50 who were convicted of violent crimes pose a low risk of recidivism. His group wants Whitmer to use her clemency powers and expand the parole board to process more releases.

MR. Terrence Terrell Mo
Chippewa Correctional
4269 West - M-
Kinceloe, Michigan #

Clerk
UNITED STATES
West

330 W

MARQUETTE

One #208380
Facility

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OF THE COURT
UNITED STATES DISTRICT COURT
WESTERN DISTRICT
WASHINGTON ST.
P.O. Box # 698
TE, MICHIGAN # 49855

